




Mohammed Choudhury
State Superintendent of Schools

January 11, 2023




Ms. Trinell Bowman
Associate Superintendent-Special Education
Prince George's County Public Schools
John Carroll Administration Building
1400 Nalley Terrace
Hyattsville, Maryland 20785

RE: 
Reference: #23-091

Dear Parties:

The Maryland State Department of Education, Division of Early Intervention and Special Education Services (MSDE), has completed the investigation of the complaint regarding special education services for the above-referenced student. This correspondence is the report of the final results of the investigation.

ALLEGATIONS:

On November 16, 2022, MSDE received a complaint from Mr.  hereafter, "the complainant," on behalf of the above-referenced student. In that correspondence, the complainant alleged that the Prince George's County Public Schools (PGCPS) violated certain provisions of the Individuals with Disabilities Education Act (IDEA) with respect to the above-referenced student.

MSDE investigated the following allegations:

1. The PGCPS has not followed proper procedures when responding to a request for access to the student's record on October 25, 2022, in accordance with 34 CFR §300.613.
2. The PGCPS did not ensure that the parent was provided with a response to her questions made on October 25, 2022, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09.
3. The PGCPS did not ensure that the complainant was provided with behavior data weekly, since November 16, 2021, as required by the IEP, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09.
4. The PGCPS did not ensure that the student's behavior intervention plan was implemented and data collected since November 16, 2021, as required, in accordance with 34 CFR §300.101 and COMAR 13A.05.01.09.

BACKGROUND:

The student is seventeen (17) years old, is identified as a student with Autism under the IDEA, and has an Individualized Education Program (IEP) that requires the provision of special education and related services. The student is placed by the PGCPs at [REDACTED] a nonpublic, separate, special education school.

FINDINGS OF FACT:

1. There is documentation that the student's mother wrote to a clinician requesting to review the student's behavior data for the "past six months" on October 25, 2022.
2. There is no documentation that on October 25, 2022, the student's mother wrote to a clinician asking questions.
3. On November 16, 2022, the student's mother sent email communication to the PGCPs requesting the student's behavioral data from September 1, 2022, through November 16, 2022.
4. There is documentation that the student's behavioral intervention plan has been implemented and data collected since November 16, 2021.
5. There is documentation that on December 19, 2022, the student's behavioral data, collected from September 1, 2022 through November 16, 2022, was provided to the student's mother.
6. There is no documentation that the student's behavioral data prior to September 1, 2022, has been provided to the student's mother in response to her October 25, 2022, request, or that the PGCPs has responded to that request.
7. There is no documentation that the student's behavioral data is sent to the complainant weekly pursuant to the IEP requirements.

DISCUSSION/CONCLUSIONS:

Based on the Findings of Facts #1 - #7, MSDE finds there is a violation relating to Allegations #1, #3, and #4.

Based on Findings of Fact #2, there is no documentation that the student's mother asked the clinician questions on October 25, 2022. Therefore, there were no responses expected. Accordingly, MSDE finds no violation regarding Allegation #2.

CORRECTIVE ACTIONS/TIMELINES:

The IDEA requires that State complaint procedures include those for effective implementation of the decisions made as a result of a State complaint investigation, including technical assistance activities, negotiations, and corrective actions to achieve compliance (34 CFR §300.152). Accordingly, MSDE requires the public agency to provide documentation of the completion of the corrective actions listed below.

MSDE has established reasonable time frames below to ensure that non-compliance is corrected in a timely manner.¹ This office will follow up with the public agency to ensure that it completes the required actions consistent with MSDE Special Education State Complaint Resolution Procedures.

¹ The United States Department of Education, Office of Special Education Programs (OSEP) states that the public agency correct noncompliance in a timely manner, which is as soon as possible, but not later than one (1) year from the date of identification of the noncompliance. The OSEP has indicated that, in some circumstances, providing the remedy could take more than one (1) year to complete. If noncompliance is not corrected in a timely manner, the MSDE is required to provide technical assistance to the public agency, and take tiered enforcement action, involving progressive steps that could result in the redirecting, targeting, or withholding of funds, as appropriate.

If the public agency anticipates that any of the time frames below may not be met, or if either party seeks technical assistance, they should contact Diane Eisenstadt, Compliance Specialist, Family Support and Dispute Resolution Branch, MSDE, to ensure the effective implementation of the action.² Ms. Eisenstadt can be reached at (410) 767-7770 or by email at Diane.Eisenstadt@maryland.gov.

Student-Specific:

MSDE requires the PGCPs to provide the student's mother with behavioral data for the period of time not addressed by the data sent on December 19, 2022, but was requested on October 25, 2022. Additionally, MSDE requires the PGCPs to ensure that there is a system of documenting the provision of weekly behavior data to the family, as required by the student's IEP.

As of the date of this correspondence, this Letter of Findings is considered final. This office will not reconsider the conclusions reached in this Letter of Findings unless new, previously unavailable documentation is submitted and received by this office within fifteen (15) days of the date of this correspondence. The new documentation must support a written request for reconsideration, and the written request must include a compelling reason for why the documentation was not made available during the investigation. Pending this office's decision on a request for reconsideration, the public agency must implement any corrective actions within the timelines reported in this Letter of Findings.

The parties maintain the right to request mediation or to file a due process complaint, if they disagree with the identification, evaluation, placement, or provision of a Free Appropriate Public Education (FAPE) for the student, including issues subject to this State complaint investigation, consistent with the IDEA. MSDE recommends that this Letter of Findings be included with any request for mediation or a due process complaint.

Sincerely,

Dr. Deann M. Collins
Deputy Superintendent
Office of the Deputy Superintendent of Teaching and Learning

DMC:ab

c: Monica Goldson
Keith Marston
Darnell Henderson
Henry Johnson
Alison Barmat
Gerald Loiacono
Diane Eisenstadt

² The MSDE will notify the public agency's Director of Special Education of any corrective action that has not been completed within the established timeframe.